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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

WALSH, DANIEL I

ART UNIT PAPER NUMBER

2876

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/052,110

Applicant(s)

SILVER ET AL.

Examiner

Daniel I Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-36 and 38-49 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 15 July 2003. Claims 29-49 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 29-36 and 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monico (US 6,021,942).

Monico teaches a package delivery facilitating business form where if a package cannot be schedule deliver on a first attempt the third section of the business form is detached and secured at the attempted delivery location (abstract). Such a form is well know and

Art Unit: 2876

conventional, for use by delivery services such as UPS, FedEx, etc. It is well known that in such instances, when a package is to be delivered to a destination, it is received at an intermediate shipping site (mail processing facility carrier/warehouse, etc. as is accepted in the art). When the package is attempted to be delivered to a destination, and the delivery cannot be completed (customer not at home, for example, see FIG. 1) a message is received from the addressee of the package (13, 14, 44 of FIG. 1). Based upon the message, the package delivery status is either acceptable or not acceptable. Re claim 30, it is well known and obvious that the message from the addressee includes an identification of the addressee of the package (46 FIG. 1).

Re claim 31, it is obvious (re claim 1) that delivery is acceptable if the projected delivery data as per the form (FIG. 1) matches the current date, as is understood in the package delivery process.

Re claim 32, it is well known that the received package can include package identification/information (Critelli et al. US 6,275,745). Re claim 33, it is well known and obvious that a package is delivered if it matches package information, as such a step is inherent in the delivery of a package to ensure correct delivery. Re claims 34 and 36, though the prior art is silent to the use of emails by the sender and receiver, emails and electronic communications are well known in the art. Though the prior art only specifically teaches telephone or written communication (FIG. 1) it would have been an obvious expedient to use email communications, since such communications are well known and accepted ways of conveniently communicating, and the use of the internet and email has been well documented for parcel delivery through use in tracking packages, etc., therefore obviating such modification of the prior art communication means. Re claim 35, parsing emails for identification means is well known and conventional (Fleming, III US 6,128,739) Re claim 38, it is well known and conventional that such delivery

Art Unit: 2876

services record at least a sender identification for inventory/tracking, etc. Re claims 39-43, it is well known that companies have accounts with parcel delivery services, therefore such senders are predefined and it is obvious that if a predefined senders account is in good standing, that delivery is authorized and that delivery is not authorized if the account is negligent, and that such means are completed on a computer (processor and user interface) via software as is well known in the art. Re claims 44-48, these limitations have been discussed above, re claims 29, 40, and 42.

Allowable Subject Matter

3. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record teaches the authorization of packages for delivery, but fails to teach determining delivery authorization through the use of two email messages (one from sender, one from receiver), where a delivery authorization is determined from the sender (of the package) email.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ventakraman et al. (US 6,304,897) and Critelli et al. (US 6,275,745).

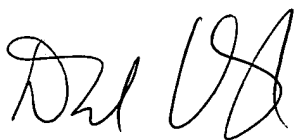
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (703) 305-1001. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DIW
9/7/03



KARL D. FRECH
PRIMARY EXAMINER